

the strongest possible tools. It also requires a flexible, agile and constitutional set of authorities to guarantee that those who do the surveillance clearly know the rules and obey them and that Americans who may be targeted have appropriate safeguards.

This legislation arms our intelligence professionals with the ability to listen to foreign targets, without a warrant, to uncover plots that threaten U.S. national security.

The bill also protects the constitutional rights of Americans by requiring the FISA Court, an article III court, to approve procedures to ensure that Americans are not targeted for warrantless surveillance.

I have reviewed the changes to this legislation made by the manager's amendment. This amendment makes the bill stronger in two important ways: First, it clarifies that nothing in the bill—repeat, nothing—inhibits the ability to monitor Osama bin Laden, al Qaeda, proliferators of weapons of mass destruction or any terror group or individual who threatens our national security. Second, and this is a point that was just addressed by the gentleman from Michigan (Mr. HOEKSTRA), it clarifies that nothing, nothing, in the bill extends any rights to people who are not in the United States legally. Undocumented aliens, people who aren't citizens or have overstayed their visas receive no rights under this bill. Some may try to scare us into thinking otherwise, but they're just wrong.

The bill does not change current law, and this is a point that may have been overlooked by the gentleman from Michigan. It does not change current law regarding the surveillance of undocumented aliens. Since 1978, FISA, which was enacted in that year, has extended fourth amendment protections to persons legally in the United States. The Protect America Act, which the Republican minority in this body supported in August and which was enacted into law that month, continues that same definition. The Protect America Act defines the coverage of the bill just the way this legislation does. We're not changing the coverage of U.S. persons as defined in 1978 and since under the original Foreign Intelligence Surveillance Act.

Mr. Speaker, terrorists won't check our party registration before they blow us up. Security and liberty are not a zero sum game. The RESTORE America Act will protect the American people and defend the Constitution. Vote "aye."

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Florida, a member of the Rules Committee, Mr. DIAZ-BALART.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend for yielding.

When we see significant changes in law included in the rule as we see this morning, in other words, self-executed in the rule, it's important that these questions be asked during the debate

on the rule, because after this rule is passed, changes in the law will already have been made. The changes in the law are included in the rule.

I have some serious questions. Some of them were already brought out by the ranking member of the Intelligence Committee. For example, there is this section, section 18 in the legislation being brought to us today. Basically it says, warrantless surveillance is authorized by this legislation on any undocumented person in the United States. Now, that's in the law. And I would ask any colleague listening to this, it's in the self-executing part of this rule, section 18, "This act shall not be construed to prohibit surveillance of any alien not permitted to be in or remain in the United States."

Now, how do you know, Mr. Speaker, if they're undocumented or not? Thus, now, this will give the right to surveillance, warrantless surveillance with regard to any household where there may be an undocumented worker? This is extremely serious. The question needs to be asked.

The ranking member of the Intelligence Committee pointed out, that's why this needs to be vetted, to be discussed, and not to be included in a rule where we find out about this the morning that the rule is on the floor and the rule makes it law, because it includes in the rule changes in the law that we hadn't even been able to see before.

Now, other questions. There is a prior section in the legislation, section 3, that creates what they call basket warrants for terrorists throughout the world. But wait a minute. Section 18 says that if you are someone not permitted to be in the United States, it should not be construed to prohibit surveillance. My question is, does that section void the prior basket warrant section? I don't know. What I know is that it's in the rule.

When we vote on the rule in a few minutes, we will be self-executing legislation, because these changes in the law are in the rule to be self-executed, to be made already part of the law. So these are serious questions. I wish that there would have been an opportunity for the gentleman from Michigan, along with the chairman, to be vetting these issues, because they're serious issues, serious questions, like the one I asked before.

Now, unlimited, warrantless surveillance for the undocumented. And those who live with the undocumented, I would ask? Those who share a residence with the undocumented? Those who share a workplace with the undocumented and who are citizens, are legal immigrants in the United States? These are serious questions. And now we can ask them on the morning that the legislation is on the floor. And, by the way, it's being included in the rule, so that as soon as we vote on the rule, we will already have voted on this legislation.

No, this is not the way to run this place, Mr. Speaker. It's another exam-

ple of an excessively exclusivist process keeping out debate affecting legislation, including extremely serious legislation, like this legislation that should be protecting the American people, and that's why this is most unfortunate, this process today, Mr. Speaker.

Mr. HASTINGS of Florida. Mr. Speaker, I would say to my friend from Florida that this rule doesn't change the law. Members will still have an opportunity to vote on the base text of this bill. It doesn't change the law of FISA.

I yield 2 minutes to the gentleman from Texas, my good friend and classmate, Mr. DOGGETT.

Mr. DOGGETT. But there is an "alien" issue in this bill and only one alien issue—those who have been so alien to the freedoms we hold dear as Americans.

This is an Administration that has desecrated our Constitution, debased our values and repeatedly undermined our freedoms. For a party that purports to hate Big Government, these Republicans sure do seem to love Big Brother. They demand unlimited Executive power and unrestrained authority to intrude into our everyday lives. Today, we dare to impose some limitations on one of so many examples of their callous disregard of our liberties.

If even former Attorney General John Ashcroft, sitting there in his hospital bed in intensive care, if even he could recognize the illegality of the surveillance that DICK CHENEY demanded, why shouldn't we in Congress be able to do the same? And if one telecommunications company had the courage to say "no" to this Administration's wrongdoing, why not the others? And why would we want to protect these corporate accomplices in the surreptitious destruction of our freedom from any accountability whatsoever?

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Yesterday, we told this President "no more blank checks for Iraq." And today we say no more unauthorized blanket surveillance of American citizens. Those of us who love liberty must stand up to this Administration's fear-mongering, to its continued leveraging of fear for its own political purposes.

As Mr. CHENEY's current chief of staff once said and what many Americans now recognize is an irresponsible and unconstitutional expansion of Presidential power: "We're going to push and push and push until some larger force makes us stop."

Well, today we must be that force. This Congress must stay "stop."

Liberty is our strength. Fear is our enemy. This legislation strikes an appropriate balance to keep our families safe and ensure they remain free.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Judiciary Committee.

Mr. GOHMERT. First I've got to comment on some things we heard previously. We heard the right honorable